



## Fact Sheet #5

# Ellsworth Industrial Park/ Downers Grove Groundwater Investigation Site Downers-Grove, Illinois

## Background

Illinois EPA sampling efforts from May 2001 through January 2002 identified groundwater contamination that threatened private drinking water wells in unincorporated areas of Downers Grove. U.S. EPA and Illinois EPA have worked together to identify possible sources in and near the Ellsworth Industrial Park of the volatile organic compounds (VOCs) found in the groundwater. The contamination consists mainly of trichloroethylene (TCE) and tetrachloroethylene (PCE), which are commonly used solvents.

In October 2002, U.S. EPA (in coordination with the State) sent out Special Notice Letters to 19 potentially responsible parties (PRPs) requesting that they enter into negotiations to investigate and address the contamination in the groundwater and in the industrial park. Those negotiations have produced a draft settlement agreement in which a group of the PRPs has agreed to provide funding to the Village of Downers Grove to pay the expected costs of making public water supply connections for those homeowners who are exposed to or threatened by the groundwater contamination. All costs of the connections will be covered. The residents will only be required to pay the cost of the water they use plus a small monthly service charge (for a limited time) required by the Village of Downers Grove of all customers on its water supply system.

**Is the draft agreement available to the public for review?** Yes.

The final draft of the proposed Administrative Order on Consent (AOC) is available for review by interested parties. Copies of the draft agreement are available at the Public Repository at the Downers Grove Public Library, 1050 Curtiss St., at the Downers Grove Village Hall, 801 Burlington Ave., and on U.S. EPA's web site at [www.epa.gov/region5/sites/ellsworth/](http://www.epa.gov/region5/sites/ellsworth/)

**Will there be a public meeting to discuss aspects of this agreement to make water connections?** Yes.

U.S. EPA and the State of Illinois will host Public Availability Sessions in Downers Grove at the Public Works Building, 5101 Walnut Ave. on Monday, April 14. Two sessions will be held from 3:30 to 5:00 p.m. and 7:00 to 8:30 p.m. The sessions will be an open-house format where individuals may speak one-on-one with representatives from U.S. EPA, Illinois EPA and the Illinois Attorney General's Office.

**Is U.S. EPA seeking feedback on the Administrative Order on Consent?** Yes.

Comments and questions received in the previous public meetings have been helpful to the environmental agencies as they have negotiated this draft settlement document. U.S. EPA, Illinois EPA and the Illinois Attorney General's Office are interested in identifying further concerns or issues raised by the residents who will benefit from this proposed settlement. The feedback will help the Agencies ensure that matters of concern have been considered or addressed to the extent possible, and to the extent their authority allows, before the agreement is finalized. If you cannot attend the Public Availability Session on April 14, or if it is more convenient for you, you are welcome to provide your concerns in writing by April 17 to Tom Krueger, U.S. EPA Regional Counsel, at [Krueger.Thomas@epa.gov](mailto:Krueger.Thomas@epa.gov). U.S. EPA and the State of Illinois believe that this document is sound in principle and will help protect residents who are currently exposed to some level of VOC contamination in their wells or that have the **potential to be affected** by this contamination. This agreement includes all private wells in the area defined below.

**What is the actual geographic area covered by this agreement for water connections?** The

area of private water wells that is affected or has the potential to be affected by the contamination, and is covered by this agreement, has the following approximate boundaries: Wisconsin Street on the north Dunham Road on the east 63<sup>rd</sup> Street on the south, and I-355 on the west A map showing the precise

boundary is available at the Public Repository and at the U.S. EPA website, and will be available at the Public Availability Session.

**Is it true that the settlement does not provide repayment of costs to those residents who already connected to the public water supply?** That is correct. As was stated in Fact Sheet #4 for this site, "neither U.S. EPA nor the State of Illinois has the legal authority to recover costs incurred by individuals." The initial goal of both environmental agencies all along has been to eliminate residents' exposure to the groundwater contamination. By offering funding for water connections to homeowners still being exposed to or threatened by the contamination, this agreement accomplishes that. Both U.S. EPA and Illinois EPA are aware of and sensitive to the fact that some homeowners have had to make personal decisions in the past 18 months or so to go ahead and make connections to the public water supply (e.g., some families had concerns regarding health issues; others needed to sell their homes). This agreement does not preclude these homeowners from seeking other relief.

**Does U.S. EPA have the authority to go ahead and make the water connections, then sue the responsible parties?** In the case where the level of contamination exceeds a set action level (e.g., 300 parts per billion for TCE), U.S. EPA may invoke Emergency Response funds or enforcement authority to arrange for immediate connections to the public water supply (provided, of course, that water mains are available). However, in all the 500+ private well samples to date in Downers Grove, the combined levels of TCE and PCE for each well did not exceed 20 parts per billion. Consequently, that funding source and that unilateral enforcement authority may not be used for this function. U.S. EPA otherwise must use the Superfund Remedial Program, which addresses long-term impacts and solutions for contamination (as at this site) that falls below the Emergency Response action levels. The Remedial Program typically requires extensive sampling and investigation before U.S. EPA issues a Record of Decision selecting the appropriate remedy. After the Record of Decision, U.S. EPA could require PRPs to perform the necessary actions. This process would take a year or more before U.S. EPA could require PRPs to arrange for water connections. In this case, U.S. EPA, Illinois EPA and the Illinois Attorney General's Office worked out a voluntary agreement on an expedited basis. The PRP Group is willing and able to fund these connection costs without the delays that would be caused by fighting over liability or procedural issues. The Agencies believe that this settlement helps the affected residents get significant relief in the fastest possible timeframe. (No matter which Superfund enforcement option the Agencies pursue, there is no authority to require reimbursement for out-of-pocket expenses to residents who already made connections to the public water supply.)

**How much is the service charge from the Village that will be on the bi-monthly water bill?** The Village service charge is a one-time fee required by the municipality for new water users. It may be paid all up front, or on the bi-monthly water bill over ten years. The Village of Downers Grove, through the Village Council, will set the final service charge amount to address its costs in installing and maintaining the water system. We understand that the fee is under consideration by the Village Council at this time. Please contact the Village with any questions.

**How much will the out-of-area water rate be for actual water use?** This, again, is a question for the Village of Downers Grove. We understand that there is a distinct process, by ordinance, to decide on the out-of-area water rate.

**What are the next steps?** U.S. EPA and Illinois EPA plan further screening work in the Ellsworth Industrial Park to identify other properties/PRPs that may have contributed to the groundwater contamination and who might be approached for contribution to the project. U.S. EPA will then develop a detailed work plan for necessary investigations in the Industrial Park, and the PRP Group will be given the opportunity to perform or contribute to this next phase of the project.

**What about the private wells located south of 63<sup>rd</sup> Street immediately west of Main Street?** That area, known as Downers Grove Estates, has been annexed to the Village of Downers Grove and is currently in the process of being connected to the Public Water Supply. Illinois EPA sampled wells in that area on two occasions and found no detectable levels of TCE or PCE contamination. The area is not part of the draft settlement agreement.

**For more information, please contact:**

Mazin Enwiya  
U.S. EPA Project Manager  
Region 5, SR-6J  
77 W. Jackson Blvd.  
Chicago, Illinois 60604-3590  
312/353-8414  
enwiya.mazin@epa.gov

Mike Joyce, U.S. EPA  
Community Involvement Coord.  
Region 5, P19-J  
77 W. Jackson Blvd.  
Chicago, Illinois 60604-3590  
312/353-5546  
joyce.mike@epa.gov

Tom Krueger  
U.S. EPA Legal Counsel  
Region 5, C14-J  
77 W. Jackson Blvd.  
Chicago, Illinois 60604-  
312/886-0562  
krueger.thomas@epa.gov

Carol L. Fuller  
Community Relations Coord.  
Illinois EPA  
P.O. Box 19276, MC#5  
Springfield, IL 62794-9276  
217/524-8807  
carol.fuller@epa.state.il.us

Maggie Carson  
Public Information Officer  
Illinois EPA  
P.O. Box 19276, MC#5  
Springfield, IL 62794-9276  
217/557-8138  
maggie.carson@epa.state.il.us

Fred Nika  
Remedial Project Mgr.  
Illinois EPA, NPL Unit  
P.O. Box 19276, MC#24  
Springfield, IL 62794-9276  
217/782-3983  
fred.nika@epa.state.il.us

Other Fact Sheets by the Office of Community Relations, including Fact Sheets #1, #2, #3 and #4 for this site, are available on the Illinois EPA web site [www.epa.state.il.us](http://www.epa.state.il.us) (go to Citizen Involvement, Community Relations).

The draft **Administrative Order on Consent** document (which covers just the action taken by providing water connections) is available on U.S. EPA's web site, [www.epa.gov/region5/sites/ellsworth/](http://www.epa.gov/region5/sites/ellsworth/)